UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI NORTHERN DIVISION

ALAN HESS,)
Plaintiff,))
v.) Case No. 2:10 CV 59 CDP
MICHAEL J. ASTRUE,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Plaintiff seeks fees in the amount of \$1,297.71. Defendant does not oppose the motion.

On December 6, 2010, I reversed the decision of the Commissioner and remanded the case to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further consideration. Because plaintiff prevailed and is not otherwise precluded from recovering attorney's fees, I find plaintiff is entitled to an award in the amount requested.

Accordingly,

¹The fees are payable to plaintiff, not plaintiff's attorney. <u>See Astrue v. Ratliff</u>, 130 S. Ct. 2521, 2524 (2010).

IT IS HEREBY ORDERED that plaintiff's motion for attorney's fees [#16] is granted, and defendant shall pay plaintiff \$1,297.71 in attorney's fees.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 4th day of January, 2011.